## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 011823-012610US

In re Application of: Paul Hinton, et al.

Application No.: 10/687,118 Filed: October 15, 2003

For: ALTERATION OF FORN BINDING AFFINITIES OF SERUM HALF-LIVES OF ANTIBODIES BY MUTAGENESIS

The owners, <u>PDL BioPhama Inc.</u> of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patient granted on the instant application which would oxford below of the patient granted on pending reference Application Number <u>1100.2821</u>. filed on ASUS 350 such them of any patient granted on patient granted on said reference application may be shortened by any terminal disclaims filed port to the grant of 170, and as the term of any patient granted on said reference application on the patient granted on the instant application shall be enforceable only for and during such period that it and any patient granted on the reference application are commonly owned. This agreement runs with any patient granted on the instant application and is billingius on the patient granted on the reference application.

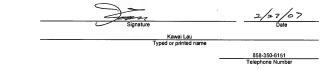
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, may be the term of any patent granted on said reference application may be shortened by any terminal disclaimer field prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application, expired for failure to pay a maintenance fee, is held unenforceable, is found invalid by a count of competent jurisdiction, is statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory terms as shortened by any terminal disclaimer fled prior to list gnant.

Check either box 1 or 2 below, if appropriate

For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willing false statement me made in the knowledge that willing false statement me to the proposition of the part of the true of the true to the true of true of the true of true of the true of true of the true of true of the true of true of the true of true of the true of true of the true of true of the true of true of the true of t

2. The undersigned is an attorney or agent of record. Reg. No. 44,461



Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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